

4-86-083

LAW OFFICES OF
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A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

JAN 28 3 29 PM '86

SACRAMENTO

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TELEPHONE (916) 446-6752

THE HARTFORD BUILDING

650 CALIFORNIA STREET, SUITE 2650
SAN FRANCISCO, CALIFORNIA 94108
TELEPHONE (415) 989-6800

FILE NUMBER

January 22, 1986

Ms. Carla Wardlow
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95804

Re: Confirmation of Advice Regarding Lobby
Registrations

Dear Carla:

This letter will memorialize your telephone conversations with Kirk Pessner our Senior Paralegal regarding the registration and reporting responsibilities of lobbying firms and lobbyist employers in the following factual situation.

FACTS

Corporation X hires Lobby Firm A to lobby on its behalf. Corporation X only pays Lobby Firm A for lobbying services. Lobby Firm A, with the consent of Corporation X, hires Lobby Firm B to assist in the lobbying effort. Lobby Firm A pays Lobby Firm B for this assistance. No payments are made by Corporation X to Lobby Firm B. Lobby Firm B has contacts and works with Corporation X's employees on the lobbying matters.

LOBBY REGISTRATIONS

Given the above set of facts, you advised me that Corporation X must file a Lobbying Firm Authorization (FPPC Form 602) for Lobby Firm A. Corporation X does not file Form 602 for Lobby Firm B.

Lobby Firm A files Form 602 with Lobby Firm B stating that the client of Lobby Firm B is "Lobby Firm A, on behalf of its client Corporation X."

LOBBY REPORTING

You advised me that Corporation X will disclose on its Lobbyist Employer Report (FPPC Form 625) that it has retained Lobby Firm A. It is not required to indicate that it also

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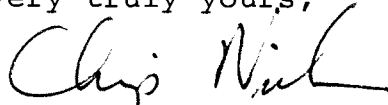
benefits from Lobby Firm A's hiring of Lobby Firm B, nor is Corporation X required to show Lobby Firm B as a retained entity.

Lobby Firm A will disclose the full amount received from Corporation X during the reporting quarter on Part II of its Lobbying Firm Report (FPPC Form 625). Lobby Firm A will show the payment made to Lobby Firm B on Part III, Section B (Payments to Other Lobbying Firms for Lobbying Services) of Form 625 and will identify Corporation X as the client.

Lobby Firm B will then report under Part II of Form 625 the payment received from Lobby Firm A on its Form 625.

If the advice accurately reflects our telephone conversations, please sign the bottom of this letter and return it to me in the enclosed envelope. If I have misstated any of your advice, please let me know. Thank you for your assistance in this matter.

Very truly yours,



Vigo G. Nielsen, Jr.

VGN/bah

Enclosure

Carla Wardlow

Date

February 10, 1986

Please note the following additional points:

- 1) The advice provided will be different if Lobby Firm A merely acts as an intermediary for Corporation X.
- 2) In addition to the payments from Lobby Firm A, Lobby Firm B must report in Part II of Form 625 that Corporation X is the client.


Carla Wardlow

135 Morrison Canyon Road
Fremont, CA 94536

February 20, 1986

MAR 10 9 47 AM '86

Mr. Robert E. Leidigh
Counsel, Legal Division
California Fair Political
Practice Commission
P. O. Box 807
Sacramento, CA 95804-0807

Re: File No. A-85-259

Dear Mr. Leidigh;

I'm writing this letter as a follow-up to your response letter, dated December 31, 1985, with a request for additional information.

As was previously the case, I am still employed as a branch manager for Bissell & Karn, Inc. (B&K). However, also as previously stated, it is very likely that I will be terminating my employment with B&K, but hope to be retained by them (as well as others) as a private consulting civil engineer.

Should there be some substantial advantage to me remaining an employee of B&K I could continue as an employee. Therefore, could you please respond to the following questions both from the standpoint of, me continuing as a B&K employee, or me becoming a private consulting civil engineer:

1. If B&K has a client in another community and that same client comes before the Fremont City Council, but utilizes another engineering firm for all the work done on its Fremont project, and there is not a reasonably foreseeable material financial effect on B&K or me as a result of my voting, is there any reason (I don't think there is) that I would have to abstain from voting?
2. If B&K were representing a client on a project and received in excess of \$10,000. in the preceding 12 months, but the client sells the property to a separate party and said separate party comes before the Fremont City Council on an item related to said property would I have to abstain from voting?
3. As a private consulting engineer working for B&K, what would the maximum amount of income be which I could receive from B&K within the preceding 12 months before I would have to abstain from voting?

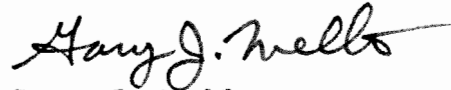
February 20, 1986

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As I am sure you can well imagine leaving the employment of a fine company like B&N and becoming a private consultant is a very difficult decision for me to make, especially after having worked for them for over 7 years. Is there any other advice that you could give me, that would be particularly helpful at this point in time.

Once again, I would like to thank you for your help, it is greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Gary J. Mello". The signature is written in dark ink and is positioned above the printed name and title.

Gary J. Mello
Fremont City Council Member

GJM:grm